

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-1157 of 2017

Date of Decision: March 07, 2017

Yodhbir Singh @ Jodhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-3399 of 2017

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-3043 of 2017

Naunihal Singh @ Nihal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Mukesh Rao and Vaibhav Narang, Advocate
for the petitioners. (In all the three petitions)

Mr. Gurinderjit Singh, DAG, Punjab.

FATEH DEEP SINGH, J.

All the three bail applications, anticipatory bail applications of petitioner Yodhbir Singh @ Jodhbir Singh and Balkar Singh and regular bail application of petitioner Naunihal Singh @ Nihal Singh

having arisen out of the same very FIR are being taken up and decided together.

A case was got registered on the complaint of Gurnek Singh alleging that on account of ill-will having arisen between Ajmer Singh @ Rinku while moving around in a tractor jointly owned by accused Hardial Singh, Nihal Singh both sons of Puran Singh and Ajmer Singh @ Rinku and Dara Singh sons of Virsa Singh used to play obscene songs before the house of the complainant which was objected by the family and as a consequence of which on 28.06.2016 around 7.15 p.m. all the accused came armed with different weapons in front of the house of the complainant and called upon them to come up out of their house and challenged them if they could desist them from playing such obscene songs. At that time Ajmer Singh @ Rinku armed with *barchi*, Dara Singh armed with *gandasi*, Balkar Singh armed with *Kirpan*, Harjinder Singh armed with *datar*, Hardial Singh armed with *gandasi*, Nihal Singh armed with *kirpan*, Jodhbir Singh armed with *barchi*, Palwinder Kaur @ Pindi armed with a *dang* with common intention to assault the complainant side came and when Palwinder Kaur @ Pindi raised *lalkara* exhorting her co-accused to teach the complainant side a lesson for doing so and at which the accused Ajmer Singh @ Rinku gave a blow of *barchi* hitting Makhtool Singh, father of the complainant who fell down and while the other co-accused gave injuries. The attribution against the petitioners Balkar Singh and Jodhbir Singh @ Jodhbir Singh is that they both armed with *barchi* gave blow to the mother of the complainant and on account of injuries received, father of the complainant died.

The submissions of the learned counsel for the

petitioners that the petitioner Naunihal Singh @ Nihal Singh is in custody since long time and that the trial is not likely to be concluded in near future together with the contention that no specific role by way of injury is attributed to the co-accused/petitioners Balkar Singh and Yodhbir Singh @ Jodhbir Singh who are attributed only simple injuries and the entire family of the accused side has been falsely implicated in the present case and, thus, prayed for grant of bail. Same is opposed on behalf of learned State counsel on the grounds that the trial is underway and if allowed bail the petitioners would influence the witnesses and that all the accused with common object have assaulted the complainant side after coming to their house and caused death and, thus, the heinousness of the offence does not entitles them to any relief.

There are specific allegations against the petitioner Yodhbir Singh @ Jodhbir Singh as well as petitioner Balkar Singh for having caused injuries to the complainant side with dangerous weapons and, thus, the very question of all the accused sharing a common object is a matter to be determined at the trial. The mere contention that petitioner Naunihal Singh @ Nihal Singh is in custody since long time and trial will take its own time is no extenuating circumstance for grant of relief. Keeping in view the seriousness of the allegations and heinousness of offence whereby accused have come armed with deadly weapons upon predetermination of their object and causing multiple injuries to various persons on the side of the complainant resulting in death of one of them and that the apprehension of the State if allowed bail the petitioners would influence them being belonging to the same very village is not unfounded

and the gravity of the offence as well does not calls for grant of bail to the petitioners.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

Match 07, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No